

AN ORDINANCE amending the Thoroughfare  
Plan of the City Comprehensive ("Master")  
Plan by vacating dedicatd utility easements.

WHEREAS, a petition to vacate dedicated utility easements within the City of Fort Wayne (as more specifically described below) was duly filed with the City Planning Commission; and

WHEREAS, said Commission duly held a public hearing thereon; and

WHEREAS, said Commission has duly forwarded its recommendation to this body approving said petition, all in accordance with I.C. 36-7-4-512(2) and this body having held a public hearing on said vacation as provided in I.C. 36-7-4-12; and

WHEREAS, this body concurs in the recommendation of the City Planning Commission.

NOW THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That the petition filed herein to vacate dedicated utility easements within the City of Fort Wayne, more specifically described as follows, to-wit:

EASEMENT NO. 1

An easement fourteen (14) feet in width symmetrical about the following described centerline for the installation and maintenance of sewer lines, water lines and other underground public and quasi-public utilities under and across the real estate in the West Half of Section 24, Township 31 North, Range 12 East in Allen County, Indiana, described as follows, to-wit:

Beginning at a point on the South line of the West half of Section 24, Township 31 North, Range 12 East in Allen County, Indiana, said point being situated 684.4 feet West of the Southeast corner of the West Half of said Section 24; thence in a Northerly direction 1552.0 feet to a point situated 530 feet West of the East line of the West Half of Section 24, Township 31 North, Range 12 East in Allen County, Indiana; thence in a Northwesterly direction 274.0 feet to a point in the



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centerline of a street 50.0 feet in width to be known as Wakefield Drive, said point being situated 26.0 feet South 18 degrees, 50 minutes West from the centerline of Stony Run.

(DR# 516, Pg. 551-3; on attached survey, easement marked in yellow).

EASEMENT NO. 2

An easement 14.0 feet in width symmetrical about the following described centerline for underground force sewer main and its appurtenances in the West Half of Section 24, Township 31 North, Range 12 East in Allen County, Indiana, described as follows, to-wit:

Beginning at a point on the south line of the West Half of Section 24, Township 31 North, Range 12 East in Allen County, Indiana, said point being situated 684.4 feet West of the Southeast corner of the West Half of said Section 24; thence North 11 degrees 37 minutes 20 seconds East 1544.3 feet; thence North 33 degrees 22 minutes 40 seconds West 40.0 feet; thence North 78 degrees 22 minutes 40 seconds West 137.9 feet; thence Northwesterly 272.5 feet to a point on the projected centerline of Wakefield Avenue as platted in Northcrest, Section 1, Extended in Plat Book 23, pages 147 and 148 in the Office of the Recorder of Allen County, Indiana, said point being 30.0 feet South 18 degrees 15 minutes West of the Southwest corner of Northcrest, Section 1, Extended; thence Northeast along said projected centerline of Wakefield Avenue to the South line of Northcrest, Section 1, Extended and Northcrest Section 2, all an addition to the City of Fort Wayne, Indiana.

(DR #555 Pg. 197-8; on attached survey, easement marked in yellow).

EASEMENT NO. 3

Part of the North 60 acres of the East half of the Southwest Quarter of Section 24, Township 31 North, Range 12 East, Allen County, Indiana, more particularly described as follows:

Commencing at the intersection of the centerline of Wakefield Avenue and the projection East of the South line of Lot #287 in Northcrest, Section 2, an addition to the City of Fort Wayne, recorded in Plat Book 22, Pages 134-137; thence South 18 degrees 20 minutes 20 seconds West along the centerline of a 50 foot easement recorded in Deed Record #555 pages 199-200, a distance of 109.3 feet; thence South 78 degrees 57 minutes East a distance of 6.3 feet to the Northwest corner of the Northcrest Theater building; thence South 78 degrees 57 minutes East along the North edge of a building a distance of 19.0 feet to the East right-of-way line of said 50 foot easement; thence South 18 degrees 20 minutes 20 seconds West along said easement line a distance of 114.9 feet to the South edge of building; thence North 78 degrees 57 minutes West along said building a distance of 4.5 feet to the Southwest corner of the Northcrest Theater building; thence North 11



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degrees 03 minutes East along the West edge of building  
a distance of 114.0 feet to the point of termination.

(DR #555 Pg. 199-200; on attached survey, easement  
marked in pink, only portion under building being  
vacated).

EASEMENT NO. 4

A 14 foot utility easement 7 feet either side of the  
following described centerline.

Part of the North 60 acres of the East half of the  
Southwest Quarter of Section 24, Township 31 North,  
Range 12 East, Allen County, Indiana, more particularly  
described as follows:

Commencing on the Easterly right-of-way line of  
Northcrest Drive at a point situated 45.0 feet, South  
25 degrees 02 minutes West from the Southwest corner of  
Block "F", in Northcrest, Section 4, the plat of which  
is recorded in Plat Book 24, pages 89-94 in the Office  
of the Recorder of Allen County, Indiana; thence South  
77 degrees 52 minutes East, a distance of 138.1 feet;  
thence North 32 degrees 24 minutes East, a distance of  
125.6 feet; thence North 29 degrees 17 minutes East, a  
distance of 306.5 feet; thence North 37 degrees 22  
minutes East, a distance of 119.0 feet; thence South 83  
degrees 21 minutes East, a distance of 66.2 feet to a  
point, said point being Point "A" in an easement  
recorded at Document #87-013180; thence South 83  
degrees 21 minutes East, a distance of 10.3 feet to the  
point of beginning; thence South 83 degrees 21 minutes  
East, along the centerline of an easement recorded in  
Document #87-013180, a distance of 170.5 feet to the  
point of termination.


(Doc. 87-013180; partial release; on attached survey,  
easement marked in green).

and which vacating amends the Thoroughfare Plan of the City  
Comprehensive ("Master") Plan and is hereby approved in all  
respects.

SECTION 2. That this Ordinance shall be in full force  
and effect from and after its passage, any and all necessary  
approval by the Mayor.

  
COUNCILMEMBER

APPROVED AS TO FORM AND LEGALITY:

  
J. TIMOTHY MCCAULAY, CITY ATTORNEY

\*\* Public hearing to be held on Tuesday,  
the 10th day of September, 1998.



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in the Council Chambers.

Sandra E. Kennedy, City Clerk

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FOUR STAR BOND  
SOUTHWORTH CO. U.S.A.  
25% COTTON FIBER



Read the ~~first~~ time in full and on motion by Bradbury, seconded by Edmonds, and duly adopted, read the second time by title and referred to the Committee on Regulations (and the City Plan Commission for recommendation) and Public Hearing to be held after due legal notice, at the Common Council Conference Room 128, City-County Building, Fort Wayne, Indiana, on \_\_\_\_\_, the \_\_\_\_\_, day of \_\_\_\_\_, 19\_\_\_\_, at \_\_\_\_\_ o'clock \_\_\_\_\_ M., E.S.T.

DATED: 3-27-90

Sandra E. Kennedy  
SANDRA E. KENNEDY, CITY CLERK

Read the third time in full and on motion by Henry, seconded by Redd, and duly adopted, placed on its passage. PASSED ~~Lost~~ by the following vote:

	AYES	NAYS	ABSTAINED	ABSENT
TOTAL VOTES	<u>8</u>			<u>1</u>
BRADBURY	<u>✓</u>			
BURNS	<u>✓</u>			
EDMONDS	<u>✓</u>			
GiaQUINTA				<u>✓</u>
HENRY	<u>✓</u>			
LONG	<u>✓</u>			
REDD	<u>✓</u>			
SCHMIDT	<u>✓</u>			
TALARICO	<u>✓</u>			

DATED: 9-10-91

Sandra E. Kennedy  
SANDRA E. KENNEDY, CITY CLERK

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as (ANNEXATION) (APPROPRIATION) (GENERAL) (SPECIAL) (ZONING MAP) ORDINANCE RESOLUTION NO. 9-24-91 on the 10th day of September, 1991

ATTEST:  
Sandra E. Kennedy  
SANDRA E. KENNEDY, CITY CLERK

(SEAL)  
Samuel J. Talarico  
PRESIDING OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 11th day of September, 1991, at the hour of 4:00 o'clock P. M., E.S.T.

Sandra E. Kennedy  
SANDRA E. KENNEDY, CITY CLERK

Approved and signed by me this 16th day of September, 1991, at the hour of 12:15 o'clock PM M., E.S.T.

PAUL HELMKE  
PAUL HELMKE, MAYOR

# RECEIPT

No 7284

COMMUNITY DEVELOPMENT & PLANNING

FT. WAYNE, IND., Feb 14 1990

RECEIVED FROM Northwest Management Account \$ 100.00

THE SUM OF One Hundred and No/100's DOLLARS

ON ACCOUNT OF Union of 3 Utility Assets

@ Northwest

PAID BY: CASH ☐ CHECK ☒ M.O. ☐

W. E. O'Neil  
AUTHORIZED SIGNATURE



Date Filed: \_\_\_\_\_

Vacation Petition

I/We Northcrest Shopping Center  
(Applicant's Name or Names)

PETITION TO VACATE 3 Utility Easements  
(Street, Alley, Utility Easement, Plat,

Other) \_\_\_\_\_

TO: THE CITY PLAN COMMISSION  
CITY OF FORT WAYNE, INDIANA

The undersigned petitioner(s), do (does) hereby respectfully petition the Fort Wayne City Plan Commission to vacate the following Utility Easements with the City of Fort Wayne, Indiana, and hereby described as follows:

See attached legal descriptions

(Legal Description of property being vacated) If additional space is needed use reverse side.)

In support thereof, your petitioner(s) would represent as follows:

(List reasons for requesting vacation.)

Easements no longer in use or have been re-routed.

(If additional space is needed use reverse side.)

Your petitioner(s) file this petition pursuant to the authority granted in Indiana Code, and provisions of local ordinance, in order to complete the vacation as described.

WHEREFORE, your petitioner(s) pray that the above described Easements be vacated according to the provisions of the Indiana Law pertaining thereto.

DATED THIS 9th DAY OF February 19 90

LAKE CO. TRUST COMPANY

Adjacent Property Owner  
Typed Name

100 N. MAIN ST.  
Address Zip

CROWN POINT, IN

Signature

Adjacent Property Owner  
Typed Name

Address Zip

Signature



Legal Description of Property:

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Additional Reasons for Vacation Request:

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Owners of Adjacent Property:

_____	_____	_____
_____	_____	_____
_____	_____	_____

Adjacent Owners TYPED Name	Property	Address/Zip
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Signature
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NOTICE:

FILING OF THIS APPLICATION GRANTS THE CITY OF FORT WAYNE PERMISSION TO POST "OFFICIAL NOTICE" ON THE PETITIONED PROPERTY.

FAILURE TO POST, OR TO MAINTAIN POSTING CAN PREVENT THE PUBLIC HEARING FROM BEING HELD.

This form is to be filed in duplicate.

AGENT: NORTHCREST SHOPPING CENTER

Name

*Walter Rancoe*

610 Lincoln Bank Tower  
Street Address

Fort Wayne, IN 46802  
City/State/Zip

219/424-1690  
Phone



## LEGAL DESCRIPTIONS

### EASEMENT NO. 1

An easement fourteen (14) feet in width symmetrical about the following described center line for the installation and maintenance of sewer lines, water lines and other underground public and quasi-public utilities under and across the real estate in the West Half of Section 24, Township 31 North, Range 12 East in Allen County, Indiana, described as follows, to-wit:

Beginning at a point on the South line of the West half of Section 24, township 31 North, Range 12 East in Allen County, Indiana, said point being situated 684.4 feet West of the Southeast corner of the West half of said Section 24; thence in a Northerly direction 1552.0 feet to a point situated 530 feet West of the East line of the West Half of Section 24, Township 31 North, Range 12 East in Allen County, Indiana; thence in a Northwesterly direction 274.0 feet to a point in the center line of a street 50.0 feet in width to be known as Wakefield Drive, said point being situated 26.0 feet South 18 degrees, 50 minutes West from the center line of Stony Run.

(DR# 516, Pg. 551-3; on attached survey, easement marked in yellow).

### EASEMENT NO. 2

An easement 14.0 feet in width symmetrical about the following described centerline for underground force sewer main and its appurtenances in the West half of Section 24, Township 31 North, Range 12 East in Allen County, Indiana, described as follows, to-wit:

Beginning at a point on the South line of the West half of Section 24, township 31 North, Range 12 East in Allen County, Indiana, said point being situated 684.4 feet West of the Southeast corner of the West half of said Section 24; thence North 11 degrees 37 minutes 20 seconds East 1544.3 feet; thence North 33 degrees 22 minutes 40 seconds West 40.0 feet; thence North 78 degrees 22 minutes 40 seconds West 137.9 feet; thence Northwesterly 272.5 feet to a point on the projected centerline of Wakefield Avenue as platted in Northcrest, Section 1, Extended in Plat Book 23, pages 147 and 148 in the office of the Recorder of Allen County, Indiana, said point being 30.0 feet South 18 degrees 15 minutes West of the Southwest corner of Northcrest, Section 1, Extended; thence Northeast along said projected centerline of Wakefield Avenue to the South line of Northcrest, Section 1, Extended and Northcrest Section 2, all an Addition to the City of Fort Wayne, Indiana.

(DR #555 Pg. 197-8; on attached survey, easement marked in yellow)

### EASEMENT NO. 3

Part of the North 60 acres of the East half of the Southwest Quarter of Section 24, Township 31 North, Range 12 East, Allen County, Indiana, more particularly described as follows:

Commencing at the intersection of the centerline of Wakefield Avenue and the projection East of the South line of Lot #287 in Northcrest, Section 2, an addition to the City of Fort Wayne, recorded in Plat Book 22, Pages 134-137; thence South 18 degrees 20 minutes 20 seconds West along the centerline of a 50 foot easement recorded in Deed Record #555 pages 199-200, a distance of 109.3 feet; thence South 78 degrees 57 minutes East a distance of 6.3 feet to the Northwest corner of the Northcrest Theater building; thence South 78 degrees 57 minutes East along the North edge of a building a distance of 19.0 feet to the East right-of-way line of said 50 foot easement; thence South 18 degrees 20 minutes 20 seconds West along said easement line a distance of 114.9 feet to the South edge of building; thence North 78 degrees 57 minutes West along said building a distance of 4.5 feet to the Southwest corner of the Northcrest Theater building; thence North 11 degrees 03 minutes East along the West edge of building a distance of 114.0 feet to the point of termination.

(DR #555 Pg. 199-200; on attached survey, easement marked in pink, only portion under building being vacated).



EASEMENT NO. 4

A 14 foot utility easement 7 feet either side of the following described centerline:

Part of the North 60 acres of the East half of the Southwest Quarter of Section 24, Township 31 North, Range 12 East, Allen County, Indiana, more particularly described as follows:

Commencing on the Easterly right-of-way line of Northcrest Drive at a point situated 45.0 feet, South 25 degrees 02 minutes West from the Southwest corner of Block "F", in Northcrest, Section 4, the plat of which is recorded in Plat Book 24, pages 89-94 in the Office of the Recorder of Allen County, Indiana; thence South 77 degrees 52 minutes East, a distance of 138.1 feet; thence North 32 degrees 24 minutes East, a distance of 125.6 feet; thence North 29 degrees 17 minutes East, a distance of 306.5 feet; thence North 37 degrees 22 minutes East, a distance of 119.0 feet; thence South 83 degrees 21 minutes East, a distance of 66.2 feet to a point, said point being Point "A" in an easement recorded at Document #87-013180; thence South 83 degrees 21 minutes East, a distance of 10.3 feet to the point of beginning; thence South 83 degrees 21 minutes East, along the centerline of an easement recorded in Document #87-013180, a distance of 170.5 feet to the point of termination.

(Doc. 87-013180; partial release; on attached survey, easement marked in green).



## RESOLUTION

WHEREAS, the LAKE COUNTY TRUST COMPANY (Northcrest Shopping Center) has petitioned and requested the Fort Wayne City Plan Commission to hold a public hearing upon the vacation of the following dedicated utility easements situated in Fort Wayne, Allen County, to-wit:

### EASEMENT NO. 1

An easement fourteen (14) feet in width symmetrical about the following described centerline for the installation and maintenance of sewer lines, water lines and other underground public and quasi-public utilities under and across the real estate in the West Half of Section 24, Township 31 North, Range 12 East in Allen County, Indiana, described as follows, to-wit:

Beginning at a point on the South line of the West half of Section 24, Township 31 North, Range 12 East in Allen County, Indiana, said point being situated 684.4 feet West of the Southeast corner of the West Half of said Section 24; thence in a Northerly direction 1552.0 feet to a point situated 530 feet West of the East line of the West Half of Section 24, Township 31 North, Range 12 East in Allen County, Indiana; thence in a Northwesterly direction 274.0 feet to a point in the centerline of a street 50.0 feet in width to be known as Wakefield Drive, said point being situated 26.0 feet South 18 degrees, 50 minutes West from the centerline of Stony Run.

(DR# 516, Pg. 551-3; on attached survey, easement marked in yellow).

### EASEMENT NO. 2

An easement 14.0 feet in width symmetrical about the following described centerline for underground force sewer main and its appurtenances in the West Half of Section 24, Township 31 North, Range 12 East in Allen County, Indiana, described as follows, to-wit:

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(DR #555 Pg. 197-8; on attached survey, easement marked in yellow).

### EASEMENT NO. 3

Part of the North 60 acres of the East half of the Southwest Quarter of Section 24, Township 31 North, Range 12 East, Allen County, Indiana, more particularly described as follows:

Commencing at the intersection of the centerline of Wakefield Avenue and the projection East of the South line



of Lot #287 in Northcrest, Section 2, an addition to the City of Fort Wayne, recorded in Plat Book 22, Pages 134-137; thence South 18 degrees 20 minutes 20 seconds West along the centerline of a 50 foot easement recorded in Deed Record #555 pages 199-200, a distance of 109.3 feet; thence South 78 degrees 57 minutes East a distance of 6.3 feet to the Northwest corner of the Northcrest Theater building; thence South 78 degrees 57 minutes East along the North edge of a building a distance of 19.0 feet to the East right-of-way line of said 50 foot easement; thence South 18 degrees 20 minutes 20 seconds West along said easement line a distance of 114.9 feet to the South edge of building; thence North 78 degrees 57 minutes West along said building a distance of 4.5 feet to the Southwest corner of the Northcrest Theater building; thence North 11 degrees 03 minutes East along the West edge of building a distance of 114.0 feet to the point of termination.

(DR #555 Pg. 199-200; on attached survey, easement marked in pink, only portion under building being vacated).

#### EASEMENT NO. 4

A 14 foot utility easement 7 feet either side of the following described centerline.

Part of the North 60 acres of the East half of the Southwest Quarter of Section 24, Township 31 North, Range 12 East, Allen County, Indiana, more particularly described as follows:

Commencing on the Easterly right-of-way line of Northcrest Drive at a point situated 45.0 feet, South 25 degrees 02 minutes West from the Southwest corner of Block "F", in Northcrest, Section 4, the plat of which is recorded in Plat Book 24, pages 89-94 in the Office of the Recorder of Allen County, Indiana; thence South 77 degrees 52 minutes East, a distance of 138.1 feet; thence North 32 degrees 24 minutes East, a distance of 125.6 feet; thence North 29 degrees 17 minutes East, a distance of 306.5 feet; thence North 37 degrees 22 minutes East, a distance of 119.0 feet; thence South 83 degrees 21 minutes East, a distance of 66.2 feet to a point, said point being Point "A" in an easement recorded at Document #87-013180; thence South 83 degrees 21 minutes East, a distance of 10.3 feet to the point of beginning; thence South 83 degrees 21 minutes East, along the centerline of an easement recorded in Document #87-013180, a distance of 170.5 feet to the point of termination.

(Doc. 87-013180; partial release; on attached survey, easement marked in green).

all in accordance with the terms of Section 44, Chapter 174 of the Acts of 1947, of the General Assembly of the State of Indiana, as amended by Section 3 of Chapter 385 of the Acts of the General Assembly of the State of Indiana, Indiana Code Section 36-7-4-12; and,

WHEREAS, notice of such public hearing has been given by due and proper publication thereof; and,

WHEREAS, said public hearing was held on March 19, 1990 at 7:00 P.M. and at such hearing there were no objections of any kind or character which should prevent the vacation of said dedicated utility easements.

WHEREAS, said vacation of dedicated utility easements have been routed through the following departments: Street Engineering, Traffic Engineering, Water Engineering, Water Pollution Control Engineering, Street Light Engineering, Park Board and through the Public Utility Companies.



Robert Hutner  
Secretary



## RESOLUTION

WHEREAS, the LAKE COUNTY TRUST COMPANY (Northcrest Shopping Center) has petitioned and requested the Fort Wayne City Plan Commission to hold a public hearing upon the vacation of the following dedicated utility easements situated in Fort Wayne, Allen County, to-wit:

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(DR# 516, Pg. 551-3; on attached survey, easement marked in yellow).

### EASEMENT NO. 2

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(Doc. 87-013180; partial release; on attached survey, easement marked in green).

all in accordance with the terms of Section 44, Chapter 174 of the Acts of 1947, of the General Assembly of the State of Indiana, as amended by Section 3 of Chapter 385 of the Acts of the General Assembly of the State of Indiana, Indiana Code Section 36-7-4-12; and,

WHEREAS, notice of such public hearing has been given by due and proper publication thereof;

WHEREAS, said vacation of dedicated utility easements has been routed through the following departments: Street Engineering, Traffic Engineering, Water Pollution Control Engineering, Electrical Engineering, Park Board and through the Public Utility Companies.

NOW THEREFORE, BE IT RESOLVED by the Fort Wayne Board of Public Works that the vacation of said dedicated utility easements hereinbefore described conforms to the general policy and pattern of development set out in the Master Plan of the City of Fort Wayne, Indiana.



STATE OF INDIANA )  
 ) SS:  
COUNTY OF ALLEN )

7 AUGUST 1991 and as same appears  
of record in the official records of the Board of Public Works.

~~FORT WAYNE BOARD OF PUBLIC WORKS~~

Kath A Carrier  
Katherine A. Carrier  
Member

Douglas M. Lehman  
Director of Administration & Finance



#426  
ORIGINAL

**DIGEST SHEET**

ORIGINAL

**TITLE OF ORDINANCE** Utility Easement Vacations

**DEPARTMENT REQUESTING ORDINANCE** Land Use Management - C&ED

**SYNOPSIS OF ORDINANCE** Utility Easements within Northcrest Shopping Center

G-90-03-27

**EFFECT OF PASSAGE** Property is presently dedicated utility easements. Property will be vacated and revert to the use of the adjacent property owners.

**EFFECT OF NON-PASSAGE** Property will remain dedicated utility easements.

**MONEY INVOLVED (Direct Costs, Expenditures, Savings)**

**(ASSIGN TO COMMITTEE (J.N.))**



**FACT SHEET**

G-90-03-27

BILL NUMBER

**Division of Community  
Development & Planning****BRIEF TITLE**

Utility Easement Vacation

**APPROVAL DEADLINE****REASON****DETAILS****Specific Location and/or Address**Utility Easements within Northcrest  
Shopping Center**Reason for Project**

Easements are no longer needed.

**Discussion (Including relationship to other Council actions)**19 March 1990 - Public Hearing

Pete Mallers, attorney for the petitioners appeared before the Commission. Mr. Mallers stated that this situation came up, somewhat after the fact. He stated that they had assumed that as a certain portion of the center was being developed the easements would be vacated. They assumed the vacation would be handled through the various development stages by the engineers or developers. He stated however they have found in viewing an as built survey that the easements had not been vacated. He stated that they had filed the petition to clear the matter of the vacations up. He stated that they had not learned of any objections to the vacation. He stated that they have relocated all of the easements.

There was no one else present who wished to speak in favor of or in opposition to the proposed vacation.

**POSITIONS****RECOMMENDATIONS****Sponsor**

City Plan Commission

**Area Affected**

City Wide

Other Areas

**Applicants/  
Proponents****Applicant(s)**Northcrest Shopping Center  
City Department

Other

**Opponents****Groups or Individuals****Basis of Opposition****Staff  
Recommendation**☒ For ☐ Against

Reason Against

**Board or  
Commission  
Recommendation****By**☒ For ☐ Against  
☐ No Action Taken☐ For with revisions to conditions  
(See Details column for condition**CITY COUNCIL  
ACTIONS  
(For Council  
use only)**☐ Pass ☐ Other☐ Pass (as  
amended) ☐ Hold☐ Council Sub. ☐ Do not pass



**DETAILS**

26 March 1990 - Business Meeting

Motion was made and seconded to return the ordinance to the Common Council with a DO PASS recommendation.

Of the six members present five voted in favor of the motion, one did not vote. Motion carried.

NOTE: This request has been held pending some easement agreements that needed to be worked out between the petitioner and Terry Atherton the Director of Water Resources. The Plan Commission office received the resolution back from the Board of Works on August 8, 1991 with a memo stating that the petitioner had satisfied Mr. Atherton's request.

**POLICY/PROGRAM IMPACT**

Policy or Program Change	<input type="checkbox"/> No	<input type="checkbox"/> Yes
Operational Impact Assessment		

(This space for further discussion)

**Project Start**

**Date** 14 February 1990

**Projected Completion or Occupancy**

**Date** 9 April 1990

**Fact Sheet Prepared by**  
Patricia Biancaniello

**Date** 9 April 1990

**Reviewed by**  
*Michael A. Apps*

**Date**

**Reference or Case Number**



BILL NO. G-90-03-27

REPORT OF THE COMMITTEE ON REGULATIONS

THOMAS C. HENRY, CHAIRMAN  
DAVID C. LONG, VICE CHAIRMAN  
EDMONDS, SCHMIDT, BRADBURY

WE, YOUR COMMITTEE ON REGULATIONS TO WHOM WAS  
REFERRED AN (ORDINANCE) (~~RESOLUTION~~) amending the Thoroughfare  
Plan of the City Comprehensive ("Master") Plan by vacating  
dedicated utility easements



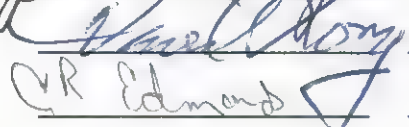
HAVE HAD SAID (ORDINANCE) (~~RESOLUTION~~) UNDER CONSIDERATION  
AND BEG LEAVE TO REPORT BACK TO THE COMMON COUNCIL THAT SAID  
(ORDINANCE) (~~RESOLUTION~~)

DO PASS

DO NOT PASS

ABSTAIN

NO REC

DATED: 9-10-91.

Sandra E. Kennedy  
City Clerk

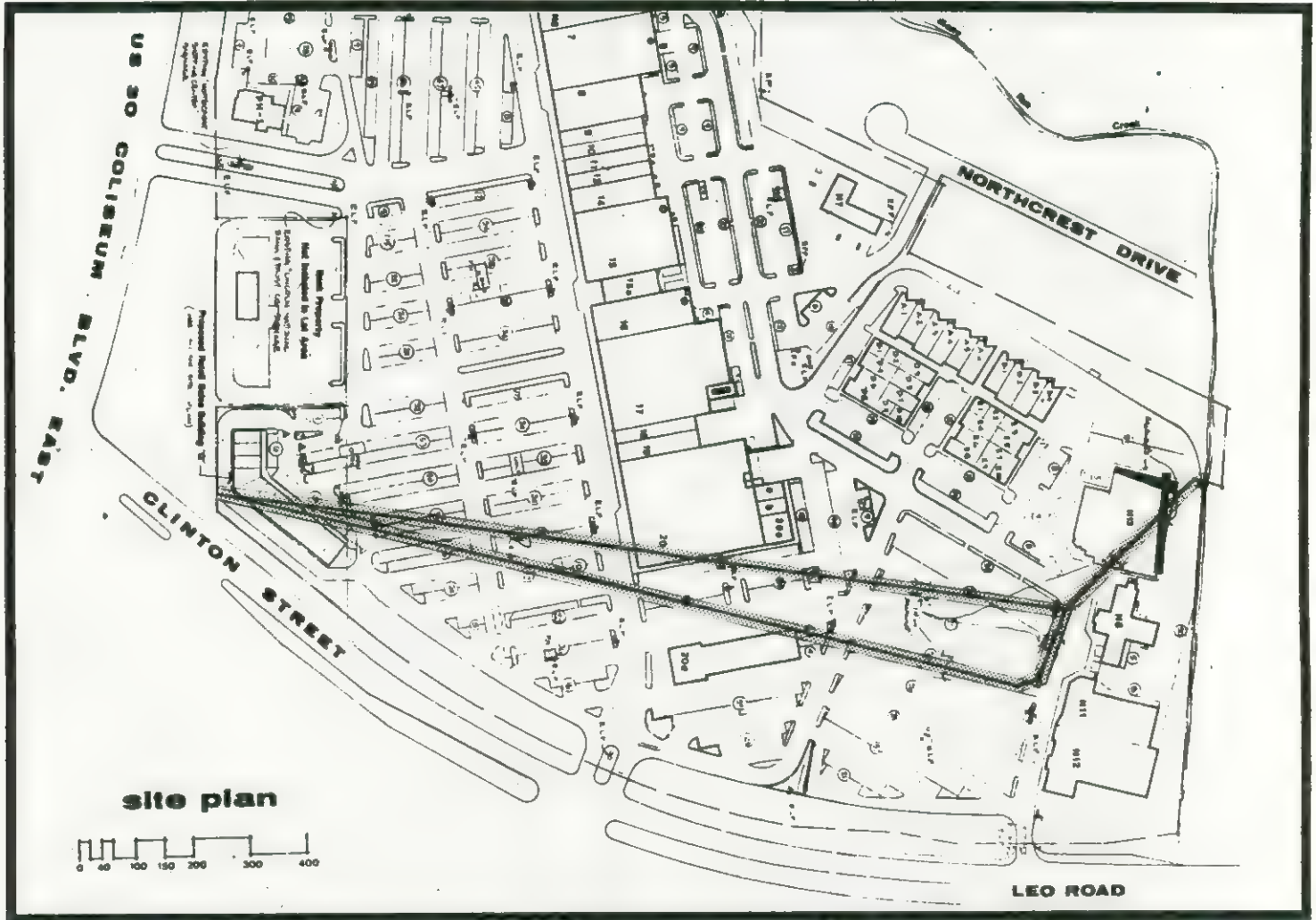


# VACATION PETITION #424

A PETITION TO VACATE THE DESCRIBED UTILITY EASEMENTS.

MAP NO. N-30

COUNCILMANIC DISTRICT NO. 3



**ZONING:**

B2D SHOPPING CENTER

**LAND USE:**



COMMERCIAL

**SCALE: NTS**

**DATE: 3-6-90**





## THE CITY OF FORT WAYNE

CITY-COUNTY BUILDING • ROOM 122 • FORT WAYNE, INDIANA 46802 • 219-427-1208

SANDRA E. KENNEDY, CITY CLERK

August 16, 1991

Ms. Connie Lambert  
Fort Wayne Newspapers, Inc.  
600 West Main Street  
Fort Wayne, IN 46802

Dear Ms. Lambert:

Please give the attached full coverage on the date of August 20, 1991, in both the News Sentinel and Journal Gazette.

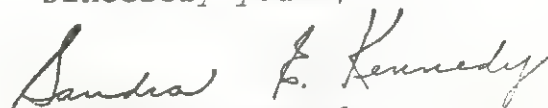
RE: Legal Notice for Common Council  
of Fort Wayne, IN

Bill No. G-90-03-27  
Utility Easements Vacations

Please send us 3 copies of the Publisher's Affidavit from both newspapers.

Thank you.

Sincerely yours,

  
Sandra E. Kennedy  
City Clerk

SEK/ne  
ENCL: 1



NOTICE OF PUBLIC HEARING  
FORT WAYNE COMMON COUNCIL  
(BILL NO. G-90-03-27)

Notice is hereby given that the Fort Wayne Common Council of the City of Fort Wayne, will conduct a public hearing on Tuesday, September 10, 1991, at 7:00 P.M. (EST) in the Common Council Conference Room 128, City-County Building, One Main Street, Fort Wayne, Indiana, more particularly described as follows:

Utility Easements within Northerest Shopping Center  
Councilmanic District #3

EASEMENT NO. 1

An easement fourteen (14) feet in width symmetrical about the following described centerline for the installation and maintenance of sewer lines, water lines and other underground public and quasi-public utilities under and across the real estate in the West Half of Section 24, Township 31 North, Range 12 East in Allen County, Indiana, described as follows, to-wit:

Beginning at a point on the South line of the West half of Section 24, Township 31 North, Range 12 East in Allen County, Indiana, said point being situated 684.4 feet West of the Southeast corner of the West Half of said Section 24; thence in a Northerly direction 1552.0 feet to a point situated 530 feet West of the East line of the West Half of Section 24, Township 31 North, Range 12 East in Allen County, Indiana; thence in a Northwesterly direction 274.0 feet to a point in the

426  
centerline of a street 50.0 feet in width to be known as Wakefield Drive, said point being situated 26.0 feet South 18 degrees, 50 minutes West from the centerline of Stony Run.

(DR# 516, Pg. 551-3; on attached survey, easement marked in yellow).

#### EASEMENT NO. 2

An easement 14.0 feet in width symmetrical about the following described centerline for underground force sewer main and its appurtenances in the West Half of Section 24, Township 31 North, Range 12 East in Allen County, Indiana, described as follows, to-wit:

Beginning at a point on the south line of the West Half of Section 24, Township 31 North, Range 12 East in Allen County, Indiana, said point being situated 684.4 feet West of the Southeast corner of the West Half of said Section 24; thence North 11 degrees 37 minutes 20 seconds East 1544.3 feet; thence North 33 degrees 22 minutes 40 seconds West 40.0 feet; thence North 78 degrees 22 minutes 40 seconds West 137.9 feet; thence Northwesterly 272.5 feet to a point on the projected centerline of Wakefield Avenue as platted in Northcrest, Section 1, Extended in Plat Book 23, pages 147 and 148 in the Office of the Recorder of Allen County, Indiana, said point being 30.0 feet South 18 degrees 15 minutes West of the Southwest corner of Northcrest, Section 1, Extended; thence Northeast along said projected centerline of Wakefield Avenue to the South line of Northcrest, Section 1, Extended and Northcrest Section 2, all an addition to the City of Fort Wayne, Indiana.

(DR #555 Pg. 197-8; on attached survey, easement marked in yellow).

#### EASEMENT NO. 3

Part of the North 60 acres of the East half of the Southwest Quarter of Section 24, Township 31 North, Range 12 East, Allen County, Indiana, more particularly described as follows:

Commencing at the intersection of the centerline of Wakefield Avenue and the projection East of the South line of Lot #287 in Northcrest, Section 2, an addition to the City of Fort Wayne, recorded in Plat Book 22, Pages 134-137; thence South 18 degrees 20 minutes 20 seconds West along the centerline of a 50 foot easement recorded in Deed Record #555 pages 199-200, a distance of 109.3 feet; thence South 78 degrees 57 minutes East a distance of 6.3 feet to the Northwest corner of the Northcrest Theater building; thence South 78 degrees 57 minutes East along the North edge of a building a distance of 19.0 feet to the East right-of-way line of said 50 foot easement; thence South 18 degrees 20 minutes 20 seconds West along said easement line a distance of 114.9 feet to the South edge of building; thence North 78 degrees 57 minutes West along said building a distance of 4.5 feet to the Southwest corner of the Northcrest Theater building; thence North 11



426  
degrees 03 minutes East along the West edge of building  
a distance of 114.0 feet to the point of termination.

(DR #555 Pg. 199-200; on attached survey, easement  
marked in pink, only portion under building being  
vacated).

EASEMENT NO. 4

A 14 foot utility easement 7 feet either side of the  
following described centerline.

Part of the North 60 acres of the East half of the  
Southwest Quarter of Section 24, Township 31 North,  
Range 12 East, Allen County, Indiana, more particularly  
described as follows:

Commencing on the Easterly right-of-way line of  
Northcrest Drive at a point situated 45.0 feet, South  
25 degrees 02 minutes West from the Southwest corner of  
Block "F", in Northcrest, Section 4, the plat of which  
is recorded in Plat Book 24, pages 89-94 in the Office  
of the Recorder of Allen County, Indiana; thence South  
77 degrees 52 minutes East, a distance of 138.1 feet;  
thence North 32 degrees 24 minutes East, a distance of  
125.6 feet; thence North 29 degrees 17 minutes East, a  
distance of 306.5 feet; thence North 37 degrees 22  
minutes East, a distance of 119.0 feet; thence South 83  
degrees 21 minutes East, a distance of 66.2 feet to a  
point, said point being Point "A" in an easement  
recorded at Document #87-013180; thence South 83  
degrees 21 minutes East, a distance of 10.3 feet to the  
point of beginning; thence South 83 degrees 21 minutes  
East, along the centerline of an easement recorded in  
Document #87-013180, a distance of 170.5 feet to the  
point of termination.

(Doc. 87-013180; partial release; on attached survey,  
easement marked in green).

AGENT:

Phil Knapke  
610 Lincoln Bank Tower  
Fort Wayne IN 46802

424-1690





## THE CITY OF FORT WAYNE

CITY-COUNTY BUILDING • ROOM 122 • FORT WAYNE, INDIANA 46802 • 219-427-1208

SANDRA E. KENNEDY, CITY CLERK

August 16, 1991

Phil Knapke  
610 Lincoln Bank Tower  
Fort Wayne, IN 46802

### NOTICE OF PUBLIC HEARING ON BILL NO. G-90-03-27

You are hereby notified that the Common Council of Fort Wayne will conduct a public hearing on Tuesday, September 10, 1991, in the Common Council Conference Room 128, 1st Floor, City-County Building, One Main Street, Fort Wayne, Indiana, on the following:

Utility Easements within Northcrest Shopping  
Center - Easements are no longer needed

All interested persons are invited to appear and be heard. Any written material may be submitted to the Common Council prior to the hearing.

Fort Wayne Common Council

*Sandra E. Kennedy*  
Sandra E. Kennedy  
City Clerk

FW Comm Council

(Governmental Unit)

Allen

County, Indiana

To:

The News-Sentinel

Dr.

P.O. Box 100

Fort Wayne, IN

## PUBLISHER'S CLAIM

## LINE COUNT

Display Matter (Must not exceed two actual lines, neither of which shall total more than four solid lines of type in which the body of the advertisement is set) -- number of equivalent lines

Head -- number of lines

Body -- number of lines

NOTICE OF PUBLIC HEARING  
FORT WAYNE COMMON COUNCIL  
(BILL NO. G-90-03-27)

Notice is hereby given that the Fort Wayne Common Council of the City of Fort Wayne, will conduct a public hearing on Tuesday, September 10, 1991, at 7:00 A.M. (EST) in the Common Council Conference Room 8, City-Council Building, One Main Street, Fort Wayne, Indiana, more particularly described as follows:

Utility Easements within Northeast Shopping Center Municipal District #3

## EASEMENT NO. 1

Easement fourteen (14) feet in width symmetrical about the following described centerline for the installation and maintenance of sewer lines, water lines and other underground public and quasi-public utilities over and across the real estate in the West Half of Section 24, Township 31 North, Range 12 East in Allen County, Indiana, described as follows, to-wit:

Beginning at a point on the South line of the West half Section 24, Township 31 North, Range 12 East in Allen County, Indiana, said point being situated 4.84 feet West of the Southeast corner of the West half of said Section 24; thence in a Northerly direction 52.0 feet to a point situated 530 feet West of the East line of the West Half of Section 24, Township 31 North, Range 12 East in Allen County, Indiana; thence in a Northwesterly direction 274.0 feet to a point in the centerline of a street 50.0 feet in width to be known as Wakefield Drive, said point being situated 26.0 feet North 18 degrees, 50 minutes West from the centerline of Story Run.

(DR# 516, Pg. 551-3; on attached survey, easement marked in yellow)

## EASEMENT NO. 2

Easement 14.0 feet in width symmetrical about the following described centerline for underground force water main and its appurtenances in the West Half of Section 24, Township 31 North, Range 12 East in Allen County, Indiana, described as follows, to-wit:

Beginning at a point on the south line of the West Half Section 24, Township 31 North, Range 12 East in Allen County, Indiana, said point being situated 684.4 feet West of the Southeast corner of the West Half of Section 24; thence North 11 degrees 37 minutes seconds East 1544.3 feet; thence North 33 degrees minutes 40 seconds West 40.0 feet; thence North degrees 22 minutes 40 seconds West 137.9 feet; thence Northwesterly 272.5 feet to a point on the projected centerline of Wakefield Avenue as platted in Northcrest, Section 1, Extended in Plat Book 23, pages 147 and 148 in the Office of the Recorder of Allen County, Indiana, said point being 30.0 feet South degrees 15 minutes West of the Southwest corner of Northcrest, Section 1, Extended; thence Northeast along said projected centerline of Wakefield Avenue to the South line of Northcrest, Section 1, Extended and Northcrest Section 2, all an addition to the City of Fort Wayne, Indiana.

(DR #555 Pg. 197-8; on attached survey, easement marked in yellow)

## EASEMENT NO. 3

Part of the North 60 acres of the East half of the Northwest Quarter of Section 24, Township 31 North, Range 12 East, Allen County, Indiana, more particularly described as follows:

Commencing at the intersection of the centerline of Wakefield Avenue and the projection East of the South line of Lot #287 in Northcrest, Section 2, an addition to the City of Fort Wayne, recorded in Plat Book 22, pages 134-137; thence South 18 degrees 20 minutes seconds West along the centerline of a 50 foot easement recorded in Deed Record #555 pages 19-200, a distance of 109.3 feet; thence South 78 degrees 57 minutes East a distance of 6.3 feet to the Northwest corner of the Northcrest Theater building; thence South 78 degrees 57 minutes East along the North edge of a building a distance of 19.0 feet to the West right-of-way line of said 50 foot easement; thence South 18 degrees 20 minutes 20 seconds West along the easement line a distance of 114.9 feet to the South edge of building; thence North 78 degrees 57 minutes East along said building a distance of 4.5 feet to the Northwest corner of the Northcrest Theater building; thence North 11 degrees 03 minutes East along the North edge of building a distance of 114.0 feet to the point of termination.

(DR #555 Pg. 199-200; on attached survey, easement marked in pink, only portion under building being vacated)

## EASEMENT NO. 4

14 foot utility easement 7 feet either side of the following described centerline.

Part of the North 60 acres of the East half of the Northwest Quarter of Section 24, Township 31 North, Range 12 East, Allen County, Indiana, more particularly described as follows:

Commencing on the Easterly right-of-way line of Northcrest Drive at a point situated 45.0 feet, South 25 degrees 02 minutes West from the Southwest corner Block "F", in Northcrest, Section 4, the plat of which is recorded in Plat Book 24, pages 89-94 in the office of the Recorder of Allen County, Indiana; thence South degrees 52 minutes East, a distance of 138.1 feet; thence North 32 degrees 24 minutes East, a distance of 125.6 feet; thence North 29 degrees 17 minutes East, a distance of 306.5 feet; thence North 37 degrees minutes East, a distance of 119.0 feet; thence North 83 degrees 21 minutes East, a distance of 66.2 feet to a point, said point being Point "A" in an easement recorded at Document #87-013180; thence South 83 degrees 21 minutes East, a distance of 10.3 feet to the point of beginning; thence North 83 degrees 21 minutes East, along the centerline of an easement recorded in Document #7-013180, a distance of 170.5 feet to the point of termination.

(Doc. 87-013180; partial release; on attached survey, easement marked in green)

All interested parties are invited to appear and be heard.

FORT WAYNE COMMON COUNCIL  
Sandra E. Kennedy  
City Clerk

notice

REGES

columns wide equals 126 equivalent lines

\$ 41.58

ces containing rule or tabular work (nt)

publication (\$1.00 for each proof in excess of two)

1.00

CLAIM

\$ 42.58

COST

2.5 ems

1

s and penalties of Chapter 155, Acts 1953,

foregoing account is just and correct, that the amount after allowing all just credits, and that no part of the

, 19 91

Title:

Clerk

## PUBLISHER'S AFFIDAVIT

State of Indiana )

) ss:

Allen County )

Personally appeared before me, a notary public in and for said county and state, the undersigned Cindy Gillenwater who, being duly sworn, says that he/she is Clerk of the The News-Sentinel newspaper of general circulation printed and published in the English language in the (city) (town) of Fort Wayne, IN in state and county aforesaid, and that the printed matter

attached hereto is a true copy, which was duly published in said paper for 1 time ( s ), the dates of publication being as follows:

8/20/91

Subscribed and sworn to before me this 20th day of August, 19 91

Notary Public Whitley County, IN  
SHELLEY R. LARUE

My commission expires: March 3, 1994



FW Comm Council  
(Governmental Unit)

To:

The Journal-Gazette

Dr.

County, Indiana

P.O. Box 100  
Fort Wayne, IN

## PUBLISHER'S CLAIM

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SHELLEY R. LARUEMy commission expires: March 3, 1994NOTICE OF PUBLIC HEARING  
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(BILL NO. G-90-03-27)

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FORT WAYNE COMMON COUNCIL  
Sandra E. Kennedy  
City Clerk



FW Comm Council

(Governmental Unit)

Allen

County, Indiana

To:

The News-Sentinel

Dr.

P.O. Box 100

Fort Wayne, IN

## PUBLISHER'S CLAIM

## LINE COUNT

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-- number of equivalent lines

Head -- number of lines

Body -- number of lines

Tail -- number of lines

Total number of lines in notice

## COMPUTATION OF CHARGES

126 lines, 1 columns wide equals 126 equivalent lines  
at .33 cents per line

\$ 41.58

Additional charge for notices containing rule or tabular work  
(50 percent of above amount)

Charge for extra proofs of publication (\$1.00 for each proof in excess of two)

1.00

## TOTAL AMOUNT OF CLAIM

\$ 42.58

## DATA FOR COMPUTING COST

Width of single column 12.5 ems

Number of insertions 1

Size of type 6 point

Pursuant to the provisions and penalties of Chapter 155, Acts 1953,

I hereby certify that the foregoing account is just and correct, that the amount claimed is legally due, after allowing all just credits, and that no part of the same has been paid.

*Cindy Gillenwater*

Date August 20, 19 91

Title:

Clerk

## PUBLISHER'S AFFIDAVIT

State of Indiana )

) ss:

Allen County )

Personally appeared before me, a notary public in and for said county and state, the undersigned Cindy Gillenwater who, being duly sworn, says that he/she is Clerk of the The News-Sentinel newspaper of general circulation printed and published in the English language in the (city) (town) of Fort Wayne, IN in state and county aforesaid, and that the printed matter attached hereto is a true copy, which was duly published in said paper for 1 time(s), the dates of publication being as follows:

8/20/91

*Cindy Gillenwater*

Subscribed and sworn to before me this 20th day of August, 19 91

*Shelley R. Larue*

Notary Public Whitley County, IN  
SHELLEY R. LARUE

My commission expires: March 3, 1994



FW Comm Council  
(Governmental Unit)

To:

The Journal-Gazette

Dr.

P.O. Box 100

Fort Wayne, IN

County, Indiana

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